

Kluwer Copyright Blog

Landeshauptmann mit Kind, Supreme Court (Oberster Gerichtshof), 15 December 2010

Florian Philapitsch · Wednesday, April 13th, 2011 · Kluwer Copyright Cases

The use of a photograph of a politician with a child, in combination with a satirical text, in a self-advertisement of a news magazine, is not covered by the freedom of satire when the satire does not concern daily political events but is merely commercially self-serving. Furthermore, the implication of a political relationship between the people pictured conflicts with the child's right to protection of its portrait. According to the Austrian Supreme Court, commercial advertisements also fall under the regime of Article 10 ECHR. The protection of a person's portrait also applies to the usage in advertisements.

The [full summary](#) of this case has been posted on [Kluwer IP Law](#).

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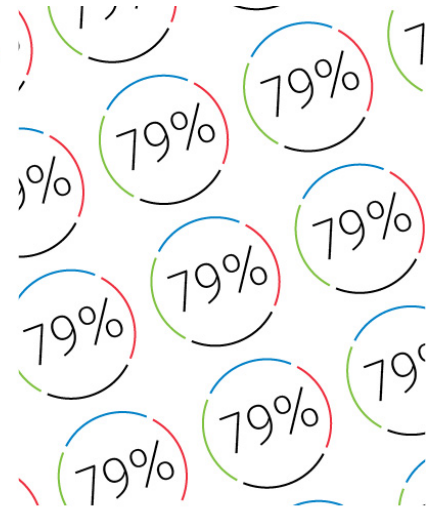
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